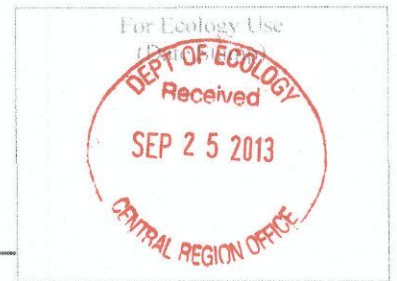




# Application for Change/Transfer of Water Right



For filing with the Department of Ecology or with County Conservancy Boards

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY

(Check all that apply.)

- ☐ Change purpose(s) of use
- ☐ Add purpose(s) of use
- ☐ Change point(s) of diversion/withdrawal
- ☒ Add point(s) of diversion/withdrawal
- ☐ Change/transfer place of use
- ☐ Other (i.e. consolidation, intertie, trust water)

Explain: YAKL-13-04

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	<u>09-25-2013</u>
CHECK NO. <u>5</u>	FEE \$ <u>0</u>
DATE ACCEPTED <u>10-29-2013</u>	BY <u>[Signature]</u>
CHANGE NO. <u>CS4-01397 5516 @1</u>	
COUNTY <u>Yakima</u>	WRIA <u>38</u>
SPECIAL AREA <u>SUB 16 UPPER NACHES</u>	
<u>CFO 34-83470-J</u>	
SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT	
ECY CODING: 001-002-WR10285-000011	
APP NO. _____	PERMIT NO. _____
CERT NO. _____	CERT OF CHG NO. _____

☐ I have participated in a pre-application conference with Ecology.

## 1. Applicant Information

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
Daryl J. Matson, as Personal Representative of the ESTATE OF RICHARD R. MATSON	509.697.7100	
ADDRESS		
P.O. Box 307		
CITY	STATE	ZIP CODE
Selah	WA	98942
EMAIL ADDRESS (IF AVAILABLE)		

CONTACT (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Halverson Northwest c/o Lawrence E. Martin	509.248.6030	509.453.6880
ADDRESS		
405 E. Lincoln Ave		
CITY	STATE	ZIP CODE
Yakima	WA	98901
EMAIL ADDRESS (IF AVAILABLE)		
pdempsey@halversonNW.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE	PHONE NO.	FAX NO.
DARYL J. MATSON as Personal Representative of the ESTATE OF RICHARD R. MATSON	509.697.7100	
ADDRESS		
P.O. Box 307		
CITY	STATE	ZIP CODE
Selah	WA	98942
EMAIL ADDRESS (IF AVAILABLE)		

## 2. Water Right Information

CFO-  
34-83470-J

CS4-01397 5516 @1

YAKL-13-04

ECY 040-1-97 (Rev. 02/12)



WATER RIGHT OR CLAIM NUMBER Court Claim No. 01397	RECORDED NAME(S) Estate of Richard R. Matson
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

See annotated aerial photographs depicting irrigation of the Place of Use during 2005, 2009 and 2011, Exhibit "A" hereto.

### 3. Point(s) of Diversion/Withdrawal:

#### A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Naches River (Nile Ditch Ass'n. POD)	1	SW	SE	21	16N	15E	151621-43401	n/a

#### B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Naches River (Nile Ditch Ass'n. POD)	1	SW	SE	21	16N	15E	151621-43401	n/a
Naches River (Consolidated Diversion)	2	NE	NE	33	16N	15E	151633-11003	n/a

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☐ YES ☒ NO PROPOSED: ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME: See notes under Section 6, *infra*

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

### 4. Purpose of Use:

#### A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation of 15 acres	0.495 cfs (0.30 cfs irrigation; 0.195 conveyance)	90	04/15-10/15
Stock water	0.0075 cfs	0.75	Year-round

#### B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
No change			

### 5. Place of Use:

#### A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Lot 1 of Shot Plat recorded in Book Q of Short Plats, Page 68, under Auditor's File No. 2529211, records of Yakima County, Washington, being a portion of the N ½ N ½ of Section 33, T. 16 N., R. 15 E.W.M. lying north of Little Bald Mountain Road.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
N ½	N ½	33	16N	15E	Yakima	151633-12401	15
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME: See notes under Section 6, <i>infra</i>							

#### B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:
No change



1/4	1/4	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☐ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME: \_\_\_\_\_

*Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.*

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?

☐ YES ☒ NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): \_\_\_\_\_

6. Remarks and Other Relevant Information:

The applicant and water right holder, ESTATE OF RICHARD MATSON, along with North Yakima Conservation District and the Washington Water Trust (WWT), have worked together to develop a source substitution/diversion consolidation project that moves the applicant’s point of diversion off Nile Creek to the Naches River. The applicant has agreed to permanently forbear water use from Nile Creek under a December 27, 2012 Forbearance Agreement with WWT, which is included as an exhibit to the contemporaneously filed change application under Court Claim No. 01396. In order to complete the terms of the Forbearance Agreement, record the forbearance covenant, and receive payment, applicant must receive permission to permanently change the point of diversion under said Court Claim No. 01396.

This conservation and instream flow enhancement project serves to benefit multiple life stages of salmon and steelhead. Under the instant application and another filed herewith under Court Claim No. 01397, applicant seeks approval to add a newly established, downstream Naches River diversion point as the primary point of diversion under said Court Claim. Additionally, under another change application filed herewith (Court Claim No. 01396), applicant seeks approval to permanently change the point of diversion under said Court Claim to the newly established Naches River diversion (the “Consolidated Diversion”), as pictured in Exhibit “B.”

Permanent authorization to use the Consolidated Diversion under this application and the other two contemporaneously filed applications has already been granted by the *Acquavella* Court on a temporary basis, pursuant to its August 8, 2013, Order *Pendente Lite* (“OPL”), Exhibit “C” hereto. Said OPL is in place until such time as the permanent change has been processed. The applicant is currently utilizing the Consolidated Diversion for all three water rights, as provided by the OPL.

The “existing” POD, i.e., prior to temporary change approval under the OPL, is the Court-authorized Nile Ditch Association point of diversion, located 450 feet north and 350 feet east from the south quarter corner of Section 21, within the SW 1/4 SW 1/4 SE 1/4 of Section 21, T. 16 N., R. 15 E.W.M. (Parcel No. 151621-43401, which is owned by Robert L. and Ann M. Immele).

The proposed additional POD/Consolidated Diversion is located approximately 480’ west and 525’ south of the NE corner of Section 33, within the NE 1/4 NE 1/4 S. 33, T. 16N, R. 15 E.W.M. (Parcel No. 151633-11003, which is owned by Nile Creek Ranch, L.L.C., of which applicant’s representative, Daryl J. Matson, is Managing Member).

The existing/proposed place of use under the subject water right is Parcel No. 151633-12401, which is owned by the Estate of Richard R. Matson.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_\_/\_\_\_\_/\_\_\_\_ END DATE \_\_\_\_/\_\_\_\_/\_\_\_\_

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.



7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson  
*Applicant Printed Name -- Title*

  
*Applicant Signature*


9/4/13  
*(Date)*

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson  
*Water Right Holder Printed Name*

  
*Water Right Holder Signature*

9/4/13  
*(Date)*

ESTATE OF RICHARD MATSON, by  
Daryl J. Matson

  
*(Date)*

9/4/13

☒ *Land Owner of Existing Place of Use Printed Name*  
☒ *Land Owner of Proposed Place of Use Printed Name*

*Land Owner of Existing Place of Use Signature*  
*Land Owner of Proposed Place of Use Signature*

Please check the region in which the project is located:

<b>*Submit your application to:</b>  DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 - 160 <sup>th</sup> Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ APPLICATION FEE NOT ENCLOSED      ☐ MAP NOT INCLUDED or INCOMPLETE  
☐ ADDITIONAL SIGNATURES REQUIRED      ☐ SECTION \_\_\_\_\_ IS INCOMPLETE  
☐ OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_